



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/576,430

04/20/2006

Arne Stoltenberg

20037.1004USWO

2445

52835

7590

02/27/2008

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.

P.O. BOX 2902

MINNEAPOLIS, MN 55402-0902

EXAMINER

ADDIE, RAYMOND W

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

02/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,430	Applicant(s) STOLTENBERG ET AL.	
	Examiner Raymond W. Addie	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/26/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The list of reference numerals are redundant and not provided for nor required by the MPEP.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-12 are rejected under 35 U.S.C. 103(a) as unpatentable over

DE 1658522 reference to Pfuhler in view of Hahne # 4,641,993.

Art Unit: 3671

Pfuhler discloses a drainage channel (1) comprising:

An elongate body defining an upper surface (1) over which vehicles can travel and further defines an opening (3) that opens into a channel compartment (4).

The body further having side walls (5), a floor (7) and end faces (unnumbered) adapted for connection to additional drainage installations.

The channel being defined by a ceiling boundary, side and base boundaries.

What Pfuhler does not disclose is the use of a tapered channel cross-section.

However, Hahne teaches it is desirable to form tapered drainage channels (26, 72) in concrete roadway structures (10). The drainage channel having inter-fitting end sections (42, 44). And lateral inlet channels (7sThe tapered cross section facilitating the flow of liquids through the channel in a desired direction. See Col. 3, ln. 17-col. 4, ln. 46 Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the drainage channel of Pfuhler with a tapered cross-section, as taught by Hahne, in order to selective direct surface water in a desired direction.

With respect to claims 2-5 Pfuhler discloses inlet openings at least on their marginal side, are defined by edges that extend substantially linearly in a longitudinal direction.

The inlet openings (3) having a conically tapered dross-section, as well as providing the side walls of the channel with lateral inlet openings (as at 5). The drainage channel having inter-fitting end sections (42, 44). The tapered cross section facilitating the flow of liquids through the channel in a desired direction. See Col. 3, ln. 17-68.

Art Unit: 3671

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the drainage channel of Pfuhler with a tapered cross-section, as taught by Hahne, in order to selective direct surface water in a desired direction.

With respect to claims 6-8, both Pfuhler and Hahne teach the use of sealant material, as at (5) in Pfuhler, and end faces defining inlet openings that open into said end faces.

See Hahne Col. 3, Ins. 60-68.

With respect to claims 10, 11 Pfuhler discloses a variety of upper surface (1) arrangements in Figs. 1, 3, 4, to include elevated sections at the peripheral edges, forming continuous strips outside the inlet openings (3).

With respect to claims 12, 14, 15 the Apparatus for manufacturing the drainage channel above, is obvious to the product thus made. Since concrete curbing is commonly known to be molded using frames and cores.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1658522 reference to Pfuhler in view of Hahne # 4,641,993 as applied to claim 1 above, and further in view of Fannelli et al. # 5,733,445.

Pfuhler in view of Hahne disclose essentially all that is claimed, except of the use of a reinforcing material or filter fabric. However, Fannelli et al., teaches it is advantageous

to provide a filter fabric assembly (20, 28) adjacent the inlet openings (14) of a roadways drainage channel (10), in order to prevent silt and debris from entering the drainage channel (10). See Fannelli Col. 3, Ins. 5-67.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Raymond W. Addie/
Primary Examiner, Art Unit 3671**

2/15/08

Application/Control Number: 10/576,430
Art Unit: 3671

Page 6